

VILLAGE OF COLD SPRING PLANNING BOARD

85 MAIN STREET, COLD SPRING, NEW YORK 10516

May 4, 2015

MEETING MINUTES

Members present: Chairman, Donald MacDonald; Members: James Pergamo and Karn Dunn

Member absent: B.M. Molloy and Arne Saari

Chairman D. MacDonald opened the meeting at 7:35 P.M.

A public hearing was opened on the application of *Richard Shea, 57 Morris Ave. for a minor subdivision at the same address.*

The applicant, Richard Shea, reviewed the proposed subdivision and noted that he had discussed it with his neighbors and was trying to be as sensitive as possible to their concerns and at the same time meeting the needs of his family. He noted that his lot at one time was two lots and is still on record in Carmel as two lots. Mr. Shea stated the 2 lots created would meet the requirements of the zoning code in all respects. He noted that he understands that no one likes to see change in their neighborhood.

Chairman Mac Donald noted there is nothing in the code that specifically protects neighbors view-sheds.

Board members had no comments.

The meeting was opened for public comments at 7:40 P.M.

Chairman D. Mac Donald read the following letter from Rich Franco:

April 27, 2015

Dear Mr. Shea and Board Members,

Recently, a property on Rt. 9D opposite our home was subdivided (57 Morris Avenue). My assumption is that another home will be built on that second lot. My other assumption is that the owner will have the ability to build any type of structure that fits within the current zoning plan regardless of the impact on the neighboring homes.

I wanted to let you know that the view scape from our sun room, and our home's market value, have already been impacted by the recently built two story colonial that replaced a ranch on that same property. With this subdivision and another two story structure, our view of Crow's Nest Mountain could be completely obliterated, changing the entire character of our view and that of the neighborhood.

Please understand that my concern is shared by several other residents in the neighborhood, some of whom have been living here for many decades. They too have felt the impact of the colonial, and they are very concerned about the mass and scale of the new structure. While informal discussions have indicated that their fears are unfounded, it is also clear that sometimes, the wrong thing happens anyway.

I fully understand that a property owner has every right to develop residential land in any way that fits the zoning plan. But I do know there are many ways to do this while having a minimum negative impact on the residents of the neighborhood.

What I am asking for from the owner, the Boards, and anyone else in a position to impact this issue, is to help make sure that this property is developed in such a way to maintain the existing character of the neighborhood, has the minimum impact on the view scape, and doesn't have the mass and scale that would make it look inappropriate for the location. Please keep the review process (if any) fully transparent to the residents.

Sincerely,

Rich Franco

Mr. Franco presented the Board with a petition from neighboring residents which was read by Chairman D. Mac Donald as follows:

We, the residents of Undercliff neighborhood of Cold Spring, NY wish to register our objection to the proposed subdivision and development of 57 Morris Avenue. This historic neighborhood, first settled in the mid 1800's and whose current homes date to the early 1900's has always had an uncrowded, open character with traditional homes and an unobstructed view across the Hudson to Crow's Nest Mountain.

With the recent closed sale of this property and the subsequent construction of a stark, Ill-suited structure built to the maximum allowable height, the view scape of the Neighborhood has already been irreparably damaged. The news of a potential second Property of similar mass and scale has outraged the community. The current double-Wide driveway is often over-loaded with vehicles, with additional vehicles parking on the Grass (now dirt) adjacent to the driveway and on Morris Avenue. With the second house, a new driveway for the first would have to be constructed into a steep berm to the left of the house, another unsightly addition.

While some of the residents who have lost home value and quality of life due to this Development are recent arrivals, most are long-time residents with tenures of over 60 Years. In all of that time, nothing has impacted the look of the neighborhood more than The structure currently standing on 57 Morris Avenue. The approval by the Village for a Subdivision and the subsequent construction of a second structure of similar impact would be an outrageous betrayal of the trust of this community has in its elected officials and appointed committees to protect against irresponsible and damaging development.

May 6, 2015.

Mr. Franco read the following letter from Virginia Hall, 3 Hamilton:

After more than 50 years I suddenly lost my lovely view of the mountains and another big ugly house? What next a sky scraper somehow it seems there should be a way to build yet preserve some of the beauty of those who have to look at the new build.

Mr. Franco noted he will make copies of the above statement that he read from Virginia Hall.

Diane Jorge,- 310 Avery Rd, Garrison – asked how close the new house would be.

Josie (Chickie) Pidala, 61 Morris Ave. - noted she would like Mr. Shea to soften up the look of his existing house.

K. Dunn reminded the public and the Board that the purpose of the meeting tonight is for the subdivision only. Not to speculate on what could be.

Josie Pidala, 1 Hamilton St. – noted she has a view of the ski slope at West Point and she does not want to lose her view of the ski slope and the fireworks that she can see from her kitchen.

Josie (Chickie) Pidala, 61 Morris Ave.- noted the applicants property borders hers and stated that a 20 foot distance between hers and a new house would not bother her. She does not want to see fences. She also noted that she does not wish to see as large a house on a new lot beside her as Mr. Shea's exiting house. If the new house fits in the neighborhood she has nothing more to say. A property owner can build what they want within the code.

Mr. Franco - asked what's the purpose of the public being here? Chairman D. Mac Donald responded that it is a legal requirement to have a public hearing. Mr. Franco responded that it's cynical the code says he can sub-divide to basically what the code says. It is a little bit insulting to our intelligence that someone can build without regard for the neighbors.

K. Dunn noted the Planning Board's job is to make sure there can be a subdivision. The reason you are all here is so the Planning Board can hear your views on what is in front of the Board which is for a subdivision only. However, Richard Shea is hearing the comments being made by the public and he could build a house just like what he has now.

Mr. Franco asked if there was anything the public can do to change the outcome of the proposal. The only board that will have an influence would be the ZBA if he was so referred there by the Building Inspector.

Chairman D. Mac Donald noted the Planning Board must solicit the Village Board of Trustees "advice" on the proposed subdivision.

K. Dunn noted the Planning Board must decide whether Mr. Shea can subdivide legally.

Mr. Donald read the following letter from Bruce and Laura Reid:

May 4th, 2015

To whom it may concern:

In response to the subdivision plan of 57 Morris Ave. Cold Spring, proposed by property owner Richard Shea:

We reside directly south of 57 Morris Ave at 53 Morris Ave. and opposite the plan as proposed.

We have lived at this address for nearly 10 years and have always tried to enhance our property within the character, style, and tradition of the neighborhood. We are very concerned that the current zoning and building code regulations may unintentionally result in a significant change of character to this very special area in Cold Spring.

It is our understanding that Mr. Shea has applied for a subdivision in an effort to facilitate his plan to add an additional living space to his property. Our understanding is that Richard had originally wanted to keep the property as one parcel, but the current regulations would not allow the additional living quarters on the one parcel of land. To proceed with his plan to add an additional living space to the property and still adhere to the current regulations, Richard will have to subdivide the property and build another independent structure as well as another driveway to properly accommodate each parcel.

This additional structure and driveway will significantly change the streetscape in this area. If a second house can be built it will be built- its footprint will be disruptive to at least 8 direct neighbors, and each one of the houses involved will have their property values - not to mention the everyday esthetic of living in this neighborhood- diminished because of these rules.

Additionally, another unintended consequence of the current regulations could result in speculative builders

Buying original houses with double lots and creating two houses where there was only one, resulting in the loss of green space, the loss of value to neighboring properties, and an increased tax burden on the community. All of

These issues are reasons to have a thoughtful and developed response to any subdivision plan in the Village of Cold Spring especially when the proposed subdivision is not in character – and will have a significant impact on - the surrounding properties.

We ask that our concerns be officially registered with the Planning Board and added to the list of concerns voiced by our fellow neighbors.

Bruce and Laura Reid

53 Morris Ave

Cold Spring, NY 10516

Mr. Shea responded to the letter by noting his house and Mr. Reid's house are identical in scale and style. Mr. Shea stated he allowed Mr. Reid to use his driveway and have a truck go right

through Mr. Shea's yard. Mr. Shea stated he took down a tree at the request of Mr. Reid. Mr. Shea noted that Mr. Reid's use of his driveway, cutting across the yard was helpful for Mr. Reid. It's funny that when it works for someone its fine but when it doesn't work for someone it's not fine.

Michael Robinson, 25 High St. - asked what is the rhythm of the lot sizes/shapes in that neighborhood were and asked how many double lots existed. Marie Early noted there were other double lots including hers.

A lot map of the neighborhood was reviewed by the Board.

Mr. Robinson, noted he did not feel the proposed subdivision would be out of rhythm for the neighborhood.

Linda Lange, 2 Hamilton St. - asked if the trees on the side of his lot were going to be removed or remain. Mr. Shea responded they are all to remain.

Patrick Shields, 12 Grandview Terrace - He stated his concern if the subdivision was approved and a new house built would the height of it's foundation be the same as that of Mr. Shea's existing house. K. Dunn stated that is not a concern at this time.

K. Dunn moved that we close the public hearing and J. Pergamo seconded the motion. The public hearing closed at 8:24 P.M.

Workshop meeting opened at 8:28 P.M.

1 Minutes:

The minutes of April 15th were reviewed. K. Dunn moved to approve the minutes as presented and J. Pergamo seconded the motion the motion was approved unanimously.

2. Board business:

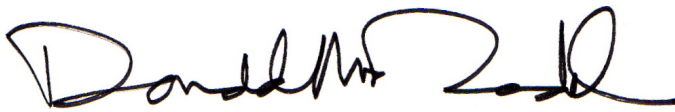
- Chairman D. Mac Donald noted he reviewed a set of approved plans for Dunkin Donuts and comments from Board members regarding the building inspectors review of the project as to what remains to be completed before a CO is issued.

Board member positions will be discussed at the next meeting. K. Dunn noted that she would be willing to be Vice Chair. Currently S. Saari is vice chair. A secretary is needed.

- Next Planning Board meeting is May 20, 2015 and will start at 7:00 P.M.

- Subdivision for Butterfield Realty LLC - and discuss comments of the public hearing.
- Subdivision for Richard Shea – Chairman D. Mac Donald will write a letter to the village board requesting their advice on his proposed subdivision. The Board will have to decide the matter within the 45 days after the close of the public hearing.
- K. Dunn noted no other board changed their meeting time at the request of the VBOT and proposed to change the time of the meeting back to 7:00 P.M. it was seconded by J. Pergamo. It was approved 3-0.

J. Pergamo moved and K. Dunn seconded the motion, and the meeting adjourned at 8:44 P.M.



Donald Mac Donald, Village of Cold Spring Planning Board Chair

May 21, 2015

Date